

CASE 1 Paul Lucas

Inmate Virginia Dept. of Corrections Haysville.
Petitioner VOP# 1080673

v.

Whorley et al v. Northam et al
Case NO: 3:20 cv 00255
Stipulated Settlement Agreement

Honorable Judge David Noyak
United States District Court
Eastern District of Virginia

30 Nov. 2020
~~2020~~

Notice of Substantial Non-Compliance

- 1) Complaint of NON Compliance
- 2) Complaint of Discrimination against Case 1 F. Lucas
A Disabled Combat Veteran Incarcerated at Haysville
Correctional Center. The IERP Excludes from
language and implementation of Persons
with disabilities. Which violates The
Americans with Disabilities Act of 1990
AS Amended (42 U.S.C. § 12101 et seq)
 - a) Virginia with Disabilities Act (Gov § 51.5-1 et seq)
 - b) Dept of Corrections Policy DOP 801.3 Managing Offenders with
Disabilities Page 4 II offenders with disabilities (b) 4(c)
(b) Facility staff must ensure that an individual with disabilities
will not be excluded from participation in or be denied
the benefits of, the services, programs, or activities of
the facility or be subject to discrimination.
(c) Reasonable accommodations must be made for offenders with
disabilities. Consistent with and as required by the Americans
with Disabilities Act of 1990, AS Amended (42 U.S.C. § 12101 et seq)
and the Virginia with Disabilities Act (Gov § 51.5-1 et seq)

I am To Be Afforded The Protections Guaranteed
and Contained in the laws of Persons with Disabilities.

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I HAVE EXHAUSTED ALL ADMINISTRATIVE Remedies Under 42 USC. § 1997e(a)
NON Compliance Violations of The Stipulated Settlement Agreement

(Nb:1) Part 3. In consideration thereof, Defendants Agree to the following.

3.2 Early Release Plan

if Under The Early Release Plan, VDOC is also Considering an Individual's Health Condition - along with available Community Resources when deciding whether to exercise its Discretion to Release an Inmate Pursuant to the Budget Amendment By Health Condition" VDOC Specifically Agrees to give Priority Consideration for approval of Release to those individuals who have Health Condition enumerated by Centers for Disease Control and Prevention (CDC) as being at a higher Risk of Health Complications if that individual were to Contract COVID-19.

I Specifically Requested This and was Denied.
I filed Petition on this and was told NON-Expendable
and that I DO NOT meet this Requirements of IERP.
I am not 1 year or less.

No Where in this Part of the Early Release Plan
3 a it Does it State You must be 1 year or
less. This clause is very Specific

"VDOC is also Considering an Individual's Health
Conditions". And VDOC Specifically Agrees to
Give Priority Consideration to those Individuals
who have Health Conditions of being at higher Risk.
I WAS Denied this Consideration of my Current
Health Conditions. And was never Reviewed, interviewed,
or told I was being Considered because of my
Chronic Lung Conditions & Heart Conditions & Diabetes & Hypertension

Reference to

ON 2 June 2020 I filed
notice for this Evidence

HCC - 20 - Inf - 01137
[is directly about my health
conditions and asking to be considered

HCC - 20 - Inf - 01192

HCC - 20 - Inf - 00559

(No: 2) NON Compliance Violations of Stipulated Settlement Agreement

ON 13 April 2020 I filed Grievance HCC-20-REG-00046
C/O BARRUS Refused me almost of my Chronic CARE
Medical Breathing Treatment Require and Prescribed
Nebulizer Breathing Machine Duo-Web.

HCC-20-REG-00046

Violating 3(C) Grievances Part of Stipulated Settlement Agreement
Per JOP 801.3 Page 6 2(A) Under No Circumstances will a NON-Health Care Provider
Substitute their Judgment for that of the Health Care Provider.

(No: 3) NON Compliance Violations of Stipulated Settlement Agreement

ON 11 April 2020 I filed Grievance HCC-20-INF-00545
Correctional Officer Refused To Wear His Mask During Morning
Head Count At 0630 hours PPE covering.

HCC-20-INF-00545

Violating 3(f) 3(h) 3(i)

3(f) Hygiene and Sanitation

3(h) PPE

3(i) Staffing and housing.

(No: 4) NON Compliance of Stipulated Settlement Agreement Violations

Food Service areas Intentionally Contaminated by
Medical Staff, Food Service Staff, Security, Administration.

ON 24 April 2020 I filed HCC-20-INF-00706
Inmates were taken into Food Service That Were COVID19
Positive and Given Medical Usage, Testings, and Treatments
by Medical Staff During The Preparation, During The
Actual loading food onto the trays, Distribution of the
Lunch and Dinner Meals. This was Reckless, Irresponsible,
and Unprofessional. This Act Put Every One at Risk

3(C) Grievances
Regarding COVID 19
Policies, Protocols
PPE.

3(f) Hygiene and
Sanitation

3(h) PPE

3(i) Staffing &
Inmate housing

(NO:4) NON Compliance Violations of Stipulated Settlement Agreement

I could not risk eating the lunch meal or dinner meal. I witnessed this when I was returning from medical after my breathing treatment. I walked past the kitchen door looked through the window of the door and was shocked to see the medical staff taking temperatures administering test etc. All of this in food service area while the lunch and dinner meal were prepared and served to population.

Only after all the inmates from Building 6B had returned to the housing unit was the kitchen decontaminated by a team of workers in full Mission Oriented Protective Posture Decontamination Suits with Breathing Devices. In the Military this is known as MOPP 4.

I was told that my experience was and it did not personally affect me nor did it cause me personal loss or harm. To further explain when I did the ombudsman and I assumed this would happen and experiences are based on facts not assumptions.

Fact: They took infected inmates into food service the kitchen during lunch and dinner meals be prepared and served to General Population.

Fact: The kitchen was not decontaminated until after 6 PM Count

Fact: 24 April 2020 The Infection Rate Went Up & Down.

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(No:4) NON Compliance Violations of Stipulated Settlement Agreement

Fact: The infection Rate would not have increased and spread throughout the compound did the Food Service Staff, Medical Dept., Security Staff, and Administration had not been ~~reckless~~ by intentionally Exposing the Food Service Kitchen Employees inmates, Food Service Staff, Food Service Area, and the Lunch and Dinner Meals being Prepared. This should have never happen, I was Directly Affected by the Facts of what I witnessed with my EYES I Physically stood at the Chow Hall Door looked through the Door Window and witnessed Everything I have stated. There is No Assumption Only Facts. Look at the Infection Rate After 24 April 2020 of Jaypreville Correctional Center. Look at 14 Days from 24 April 2020 How Many Inmates from 6B Test Positive During this Incident.

(No:5) NON Compliance Violations of Stipulated Settlement Agreement

On 2 June 2020 I submitted a DOP BOI.3 Medical Reasonable Accommodations Request To Be Considered for Early Release Under The IERP Due to my Chronic Medical Conditions. I was told see my Counselor Mr. Robinson I did as told she told me if I Think or Believe I should be considered for Early Release file an Appeal. I did so 20 days ago No answer from the Warden on the IERP Appeal. I filed a Habeas Appeal of the Reasonable Accommodation Request HCC-20-INF-01192 on 24 June 2020 NO ANSWER TO DATE.

B (A) 77
Under Early Release
Plan VDOC is also
Considering Individual
Health.

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(NO:5) NON Compliance of Violations of Stipulated Settlement Agreement

I have exhausted all Administrative Remedies. I will file a Notice of Tort Against To Commonwealth of Virginia at The Division of Risk Management With the Commonwealth of Virginia Attorney General's Office.

I am a Honorably Discharged Disabled Combat Veteran with Service Connected Disabilities. The Reasonable Accommodations Request To Have me Considered for Early Release Should Have Been Granted.

(NO:6) NON Compliance Violations of Stipulated Settlement Agreement

3(C) Exhaustion On ~~20~~ June 2020 I filed a Petition On the Institutional Ombudsman (Petition Coordinator) Mr. Brown of Her Divided Intake Process on Every Petition and Informal Complaint about Violations of the Stipulated Agreement. She has Deliberately Hindered The Process by Not

Returning The Petitions by there Due Dates and Denying All Intakes of HCC-20-INF-01192 HCC-20-INF-01191
HCC-20-~~REG~~-00046 HCC-20-INF-00559
HCC-20-INF-00706 HCC-20-INF-01137
HCC-20-INF-00545.

All Ombudsmen The Petition Coordinator at VDOC Facilities with Written Guidance instructing Them to Prioritize for Review any Petitions alleging Delay in Medical Assessment, Treatment Related to COVID 19 as well as Policies, Protocols, and such as Deficiencies in Personal Protective Equipment

The Ombudsmen Mr. Brown has Refused To Address The Issues in the 7 Informal Complaints & Petitions. NO-Corrective Action & NO Favorable Resolution in my Favor

(NO: 6) NON Compliance Violations of Stipulated Settlement Agreement

Mr. Brown Direct Interference to hinder Delay, and NON Directly enforce the COVID 19 Protocols, Procedures, Regulations up stuff ya directly covering up The Violations of DOC Policies, Federal and State laws.

Especially The Americans with Disabilities Act of 1990 AS Amended (42 U.S.C. § 12101 et seq.)

The Virginians with Disabilities Act (Code § 51.5-1 et seq.)

The Dept. of Corrections Policy DOP 801.3 Managing Offenders with Disabilities.

Mr. Brown, WCC Evidence Coordinator and K. Cooby Regional Ombudsman blatantly Told Me that I did not submit Evidence. Whereas by the Regional Stamp on the documents. K. Cooby did NOT READ one page not one informal Complaint that I submitted about this Violations. K. Cooby Help Mr. Brown I legally cover up the Violations of COVID 19 Stipulated Agreement, Federal law of ADA, State law VDA (Code § 51.5-1,) DOC Policies of 801.3. Managing Offenders with Disabilities.

(NO: 7)

NON Compliance Violations of Stipulated Settlement Agreement

3(b) Conditional Pardons

I submitted a Conditional Pardon I clearly MARK THIS PARDON COVID 19 Due To Chronic Medical Problems.

The Receipt I have only says I filed Executive Clemency No Mention of COVID 19 or my Medical Issues.

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(NO: 8) Non-Compliance of Violations of Stipulated Settlement Agreement

The Inmate Early Release Plan Directly Discriminates Against Me A Disabled Honorably Discharged Combat Veteran. I have asked for this discrimination to stop through all of the channels available to me.

(A) DOP 801.3 Reasonable Accommodation Request Denied

(3) Through The Grievance Process All Denied Never Once Addressing IERP Discrimination of Disabled Persons.

IERP Has no mention of Inmates with Disabilities.

(C) I filed an IERP appeal to The Warden by completing the appeal form No Answer or Response. From Warden Wicks. Hindering my ability to file an appeal to Offender Management Services Director James Parks.

The IERP is Bias and Discriminatory in language, implementation, and practice. It violates Federal and State laws ① Americans with Disabilities Act of 1990 as amended (42 U.S.C. § 12101 et seq) ② Virginia with Disabilities Act (Code § 51.5-1 et seq) and Dept. of Corrections Policy 801.3.

I am a Disabled Combat Veteran, I am a Parole Eligible Inmate, I have been incarcerated since 1997 in VDOC. 24 years. My Max Sentence Release Date 21 Aug. 2027. The IERP is highly discriminatory against me an Inmate with 7 years remaining on my sentence that I am currently Parole Eligible for. There is not one sentence written in the IERP to EVEN consider someone AS myself to be fairly considered.

However the ADA Federal Law, VDA State Law, and VDOC Policy 801.3 Provides Guaranteed Protections of Discrimination

(16:8) NON-Compliance of Violations of Stipulated Settlement Agreement from being Excluded from the Benefits of Participation in or be Denied the Services, Programs, or Activities of the Facilities or be subjected to Discrimination persons with Disabilities.

I Request That The Court Upholds To The Guaranteed Protections Provide To This Disabled Combat Veteran Entry into I ERP And Be Granted Early Release Due To My Chronic Conditions with my lungs, Diabetes, Heart Condition, Hypertension, Asthma, Chronic Bronchitis, Recurrent Upper Respiratory Infections, I take 34 Medications for my other illnesses which I suffer to include Mental Health Problems of PTSD, Anxiety, Depression, and Suicidal Tendencies, 4 Mental Health Medications. I Am Dkr 50% Service Connected Disabled With the VA. & I Will Receive a 100% Rating for TDIU Total Disability Individual Unemployability. I have all the Resources needed through U.S. Dept. of Veterans Affairs. I ask to Be Granted Early Release Due to my Many Chronic Illness All Related to my Military Service to this Country when I was needed & answered the Call of the United States. I Now ask that Very Same Call to my Country The United States to Grant me the Relief in which I seek. To hold all accountable of ADA, VEA, and 38 USC 3. Find & file laws Violated against this Disabled Combat Veteran that is suppose to Protect me.

I must add That The Ombudsman Mr. Brown and Staff Are currently active in Retaliation against me Refusing to Give Me the Response to my Grievance ACC-20-REK-00046

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This is yet another Criminal act of hiding the ~~measures~~ that
~~staff~~ who caused harm to me and my disabilities.

I can not and will not stop until I receive Justice from
This Unjust system within the Virginia Dept. of Corrections.

I also sent of Reasonable Accommodations Request To The Statewide
Americans With Disabilities Coordinator B. MARANO. In Richmond No
Response NOR Answer to that request I have provided a copy to the Court.

Respectfully Submitted,

Casel F. Lucas

CASEL F. LUCAS
VSP# 1080673
4-A-27-B-4CC
421 DARNFIELD Road
Haynesville, VA. 22472

Honorable Judge DAVID NOVAK
United States District Court
Eastern District of Virginia
701 East Board Street Suite 200
Richmond, Virginia 23219-3528

Stipulate Settlement Agreement
WHORLEY et al v. Northham et al
Case No: 3:20cv00255

NON Compliance Complaint

- 1) Correctional staff not wearing PPE mask.
- 2) Denied Chronic Care Respiratory Breathing Treatment by A Correctional Officer NOT By medical staff.
- 3) I ERP is Discriminatory By Not Allowing Persons with Disabilities to Receive the Proper Benefits of Early Release Due to COVID 19

Judge DAVID NOVAK
United States District Court
Eastern District Richmond VA

Complaint of NON-Compliance.
The Pardon Is clearly ~~labeled~~ / Labeled
COVID 19.

United States District Court
Eastern District of Virginia
701 EAST BRAD ST Suite 3000
Richmond, Virginia 23219-3528